



9-7-07

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PTO/SB/21 (09-04)

**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/672,396
Filing Date	September 26, 2003
First Named Inventor	Santi, Daniel V.
Art Unit	1656
Examiner Name	Hope A. Robinson
Attorney Docket Number	020547-003610US

**ENCLOSURES (Check all that apply)**

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input checked="" type="checkbox"/> Supplemental Information Disclosure Statement (2 pgs)<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><br><input type="checkbox"/> Reply to Missing Parts/ Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>Return Postcard<br>PTO/SB/08A and PTO/SB/08B form (2 pgs)<br>References 1-13<br>EP Search Report (7 pg) |
|--|--|--|

Remarks	The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.
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**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Townsend and Townsend and Crew LLP		
Signature			
Printed name	Randolph T. Apple		
Date	September 5, 2007	Reg. No.	36,429

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EXPRESS MAIL EV 656 879 343 US  
MAILED SEPTEMBER 5, 2007

Express Mail EV 656 879 343 US  
Mailed September 5, 2007

PATENT  
Attorney Docket No.: 020547-003610US  
Client Reference No.: 010070.01



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Daniel V. Santi et al.

Application No.: 10/672,396

Filed: September 26, 2003

For: SYNTHETIC GENES

Confirmation No.: 9173

Examiner: Hope A. Robinson

Art Unit: 1656

**SUPPLEMENTAL INFORMATION  
DISCLOSURE STATEMENT UNDER  
37 CFR §1.97 and §1.98**

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Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The references cited on attached form PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. Copies of the references 1-13 are enclosed.

Also enclosed is a copy of the Search/Examination report corresponding to the European application.

It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR §1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

CERTIFICATION

I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.

Applicant believes that no fee is required for submission of this statement. However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,



Randolph T. Apple  
Reg. No. 36,429

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61127156 v1



<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)				<b>Complete if Known</b>	
				Application Number	10/672,396
				Filing Date	September 26, 2003
				First Named Inventor	Santi, Daniel V.
				Art Unit	1656
				Examiner Name	Hope A. Robinson
Sheet	1	of	2	Attorney Docket Number	020547-003610US

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number Kind Code <sup>2</sup> (if known)			
	1	US 2002/0025561 A1	Feb. 28, 2002	Hodgson	

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				
	2	EP	0 621 337	A1	10-26-2004	American Cyanamid Company		<input type="checkbox"/>
	3	PCT	WO 97/11086		03-27-1997	The General Hospital Corporation		<input type="checkbox"/>

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	4	WILLIAMS, et al., "Design, synthesis and expression of a human interleukin-2 gene incorporating the codon usage bias found in highly expressed <i>Escherichia coli</i> genes" <u>Nucleic Acids Research</u> , 16(22): 10453-10467 (1998).	<input type="checkbox"/>
	5	MANDECKI, et al., "FokI method of gene synthesis" <u>Gene</u> , 68(1): 101-108 (1988).	<input type="checkbox"/>
	6	CELLO, et al., "Chemical Synthesis of Poliovirus cDNA: Generation of Infectious Virus in the Absence of Natural Template" <u>SCIENCE</u> , 297(5583): 1016-1018 (2002).	<input type="checkbox"/>
	7	PRESNELL, et al., "The design of synthetic genes" <u>Nucleic Acids Research</u> , 16(5): 1693-1702 (1988).	<input type="checkbox"/>
	8	RAGHAVA, et al., "GMAP: A Multi-Purpose "Computer Program to Aid Synthetic Gene Design, Cassette Mutagenesis and the Introduction of Potential Restriction Sites into DNA Sequences" <u>BioCOMPUTING</u> , 16(6): 1116-1123 (1994).	<input type="checkbox"/>
	9	HOOVER, et al., "DNAWorks: an automated method for designing oligonucleotides for PCR-based gene synthesis" <u>Nucleic Acids Research</u> , 30(10): E43.1-E43.7 (2002).	<input type="checkbox"/>
Examiner Signature			Date Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

Substitute for form 1449A&B/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>				<b>Complete if Known</b>	
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Sheet	2	of	2	Attorney Docket Number	020547-003610US

NON PATENT LITERATURE DOCUMENTS				
Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>	
	10	CANE, et al., "Harnessing the Biosynthetic Code: Combinations, Permutations, and Mutations" <u>SCIENCE</u> , 282(5386): 63-68 (1998).	<input type="checkbox"/>	
	11	KODUMAL, et al., "DNA ligation by selection" <u>BioTechniques</u> , 37(1): 34-40 (2004)	<input type="checkbox"/>	
	12	KODUMAL, et al., "Total synthesis of long DNA sequences: Synthesis of a contiguous 32-kb polyketide synthase gene cluster" <u>PNAS</u> , 101(44): 15573-15578 (2004).	<input type="checkbox"/>	
	13	JAYARAJ, et al., "GeMS: an advanced software package for designing synthetic genes" <u>Nucleic Acids Research</u> , 33(9): 3011-3016 (2005).	<input type="checkbox"/>	

Examiner Signature		Date Considered	
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